

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Nicholas Gigliotti
Debtor(s)

Bankruptcy Case No.: 17-24466-CMB
Per June 3, 2021 Proceeding
Chapter: 13
Docket No.: 72 – 68, 69
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 15, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1928.00 as of June, 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nationstar Mortgage (CI #4) following payment changes of record; Penn Hills Sch Dist and Municipality (CI #2) .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

Peoples Natural Gas to be paid per default order of 5-23-18 at Doc. 44 as priority administrative claim.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 4, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Nicholas Gigliotti
Debtor

Case No. 17-24466-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jun 04, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 34

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 06, 2021:

Recip ID	Recipient Name and Address
db	+ Nicholas Gigliotti, 511 Deborah Jane Drive, Pittsburgh, PA 15239-1325
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14723695	+ CITYWORTH MORTGAGE LLC, 11781 LEE JACKSON HWY STE 100, Fairfax, VA 22033-3309
14742998	Credit Protection Asso, One Galleria Tower, Dallas, TX 75240
14743002	+ I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378
14723696	+ KML Law, 701 Market St #5000, Philadelphia, PA 19106-1541
14723697	+ Landmark Financial, 6538 Steubenville Pike, Pittsburgh, PA 15205-1006
14743005	+ Lendmark Financial Ser, 1506 Klondike Rd, Conyers, GA 30094-5173
14743006	+ Maiello, Grungo Maiello, 424 South 27th Street, 210, Pittsburgh, PA 15203-2379
15028981	+ Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619094, Dallas, TX 75261-9094
14751643	+ Northwest Bank, PO Box 337, Warren PA 16365-0337
14743009	+ Pacific Union Financial, 1603 Lbj Fwy Ste 500, Farmers Branch, TX 75234-6071
14723698	+ Pacific Union Financial, LLC, 1603 LBJ Freeway, Suite 500, Farmers Branch, TX 75234-6071
14747316	+ Pacific Union Financial, LLC, 1603 LBJ Freeway, Farmers Branch, TX 75234-6071
14732990	+ Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
14743012	+ Tek-collect Inc, 871 Park St, Columbus, OH 43215-1441
14743013	+ Usaa Savings Bank, 10750 Mcdermott, San Antonio, TX 78288-1600

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: bncmail@w-legal.com	Jun 05 2021 01:03:00	SCOLOPAX, LLC, C/O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14742996	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jun 05 2021 00:51:20	Capital One, 15000 Capital One Dr, Richmond, VA 23238
14743007	Email/Text: BankruptcyNotices@aafes.com	Jun 05 2021 01:03:00	Military Star, 3911 Walton Walker, Dallas, TX 75266
14742999	+ Email/PDF: pa_dc_ed@navient.com	Jun 05 2021 00:51:24	Dept Of Ed/navient, Po Box 9635, Wilkes Barre, PA 18773-9635
14743000	+ Email/Text: bknotice@ercbpo.com	Jun 05 2021 01:03:00	Enhanced Recovery Co L, 8014 Bayberry Rd, Jacksonville, FL 32256-7412
14743001	+ Email/Text: bankruptcy@huntington.com	Jun 05 2021 01:03:00	Huntington National Bank, 7450 Huntington Park Drive, Columbus, OH 43235-5617
14765824	Email/Text: ktramble@lendmarkfinancial.com	Jun 05 2021 01:02:00	Lendmark Financial Services, LLC, 2118 Usher Street, Covington, GA 30014
14773553	Email/PDF: pa_dc_claims@navient.com		

District/off: 0315-2

User: gamr

Page 2 of 3

Date Rcvd: Jun 04, 2021

Form ID: 149

Total Noticed: 34

		Jun 05 2021 00:48:37	Navient Solutions, LLC. on behalf of, Department of Education Loan Services, PO BOX 9635, Wilkes-Barre, PA 18773-9635
14773207	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jun 05 2021 00:52:59	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14743010	+ Email/Text: beckyhandra@pc-fcu.org	Jun 05 2021 01:04:00	Parkview FCU, 2100 Eden Park Blvd, McKeesport, PA 15132-7621
14756547	Email/PDF: resurgentbknofications@resurgent.com	Jun 05 2021 00:51:26	Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco, Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14743011	+ Email/Text: bnc-quantum@quantum3group.com	Jun 05 2021 01:03:00	Quantum3, PO Box 788, Kirkland, WA 98083-0788
14741035	Email/Text: bnc-quantum@quantum3group.com	Jun 05 2021 01:03:00	Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788
15340572	+ Email/Text: bncmail@w-legal.com	Jun 05 2021 01:03:00	Scolopax, LLC, c/o Weinstein & Riley, P.S., 2001 Western Ave, Ste 400, Seattle, WA 98121-3132
14729522	+ Email/Text: bankruptcy@huntington.com	Jun 05 2021 01:03:00	The Huntington National Bank, PO Box 89424, Cleveland, OH 44101-6424
14743014	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Jun 05 2021 01:02:00	Verizon, Po Box 650584, Dallas, TX 75265-0584
14743015	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Jun 05 2021 01:02:00	Verizon Wireless, Po Box 650051, Dallas, TX 75265-0051

TOTAL: 17

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Duquesne Light Company
cr		Nationstar Mortgage LLC d/b/a Mr. Cooper
cr	*+	Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
14742997	*+	CITYWORTH MORTGAGE LLC, 11781 LEE JACKSON HWY STE 100, Fairfax, VA 22033-3309
14743003	*+	KML Law, 701 Market St #5000, Philadelphia, PA 19106-1541
14743004	*+	Landmark Financial, 6538 Steubenville Pike, Pittsburgh, PA 15205-1006
14743008	##+	Northwest Consumer Dis, Po Box 164, Natrona Heights, PA 15065-0164

TOTAL: 2 Undeliverable, 4 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 06, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 4, 2021 at the address(es) listed below:

District/off: 0315-2

User: gamr

Page 3 of 3

Date Rcvd: Jun 04, 2021

Form ID: 149

Total Noticed: 34

Name	Email Address
Brian Nicholas	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper bnicholas@kmlawgroup.com
Jennifer L. Cerce	on behalf of Creditor Penn Hills School District jlc@mbm-law.net
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Lawrence W. Willis	on behalf of Debtor Nicholas Gigliotti ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 7